

### **REMARKS**

In the April 21, 2008 Office Action, all of the claims 1-14 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

#### ***Status of Claims and Amendments***

In response to the April 21, 2008 Office Action, Applicants have amended claim 1 added new claim 15 as indicated above. Thus, claims 1-15 are pending, with claims 1 and 15 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

#### ***Information Disclosure Statements***

KR1998-071723, which was cited in the November 21, 2007 Information Disclosure Statement, was not initialed as being considered on the form 1449 attached to the outstanding Office Action. Since US 5,927,093, which was also cited in this Information Disclosure Statement, is an English language counterpart of KR1998-071723 (and was submitted in lieu of translation) in accordance with M.P.E.P. §609.04(a) on page 600-153 of the M.P.E.P., Applicants respectfully request that this reference be initialed on form 1449 as being considered.

Also, Japanese 1998 Cooling and Heating Handbook, Air Conditioning Volume, Mitsubishi Heavy Industries, Ltd., which was cited in the May 30, 2006 Information Disclosure Statement, was not initialed as being considered on the form 1449 attached to the outstanding Office Action. Since a concise statement of the relevance of this publication was provided in the May 30, 2006 Information Disclosure Statement in accordance with M.P.E.P. §609.04(a) on page 600-153 of the M.P.E.P., Applicants respectfully request that this reference be initialed on form 1449 as being considered.

#### ***Rejections - 35 U.S.C. § 103***

On pages 2-4 of the Office Action, claims 1-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Patent Publication No. 2003-262435 (Kishimoto). In response, Applicants have amended independent claim 1 to more clearly define the present invention.

In particular, independent claim 1 now requires, *inter alia*, said first branch nozzle part is covered, during plumbing work, with a heat insulating material, which covers said branch part, up to the position of said first direction branch part side less than the tip part connected to said first branch pipe. In other words, the first branch nozzle part of the branching pipe joint of claim 1 is covered with the heat insulating material which covers the Y-pipe shaped branch part up to the position of said first direction branch part side less than the tip part connected to said first branch pipe. On the other hand, JP2003-262435 does not indicate such a heat insulating material whatsoever.

With the branching pipe joint of claim 1, it is possible to reduce the size of the heat insulating material and to the troublesome time when performing the racking process. Moreover, it is possible to connect the first branch pipe to the first branch nozzle part in the state where the heat insulating material is affixed to the branching pipe joint during plumbing work. On the other hand, because JP2003-262435 does not indicate the heat insulating material of claim 1, it is not possible to achieve the advantages of the branching pipe joint of claim 1.

It is well settled in U.S. patent law that the mere fact that the prior art can be modified does *not* make the modification obvious, unless the prior art provides an *apparent reason* for the desirability of the modification. In this case, the prior art of record lacks any apparent reason, suggestion or expectation of success for modifying JP2003-262435 to result in Applicants' unique arrangement of claim 1.

Moreover, Applicants believe that the dependent claims 2-14 are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, the dependent claims 2-14 are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not disclose or suggest the invention as set forth in independent claim 1, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claims.

#### *New Claim*

Applicants have added new claim 15 by the current Amendment. New claim 15 is an independent claim that requires, *inter alia*, connecting said branching pipe joint to said union

connecting piping in accordance with a number of said outdoor units prior to connecting said first branch pipe to said branching pipe joint, said branching pipe joint being connected to said union connecting piping in a horizontal arrangement so that said first branch nozzle part and said second branch nozzle part serve as a horizontal branch arrangement at a common height position; and connecting said first branch pipe to said first branch nozzle such that said other end part of said first branch pipe is horizontally disposed relative at the common height position of said first and second branch nozzle parts, and subsequently moving said first branch pipe relative to said first branch nozzle part to a height position spaced from said common height position in order to connect said union connecting piping to a connection port of one of said outdoor units that is disposed at the height position spaced from the common height position.

JP2003-262435 does not indicate the branching method of new claim 15. Moreover, paragraph [0018] of JP2003-262435 indicates "The bottom branch pipe 23 is arranged at the state where it inclined to the level surface, and the 2nd end connection 27 is in a position higher than the 4th end connection 32." Thus, the branching method of JP2003-262435 *teaches away* from the horizontal branch arrangement of the Y-pipe shaped branch part of new claim 15.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-15 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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Dated: July 14, 2008